

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67681

Atsushi FUNABIKI, et al.

Appln. No.: 10/009,534

Group Art Unit: 1745

Confirmation No.: 4025

Examiner: Carol Diane Chaney

Filed: December 14, 2001

For:

POSITIVE ACTIVE MATERIAL FOR SECONDARY BATTERY, PROCESS FOR

PREPARATION THEREOF AND NON-AQUEOUS ELECTROLYTE SECONDARY

BATTERY COMPRISING SAME

STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

SUGHRUE MION, PLLC

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: June 24, 2004

Bruce E. Kramer

Registration No. 33,725



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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant is filing concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required.

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/009,534

Attorney Docket No.: Q67681

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3)

for foreign language documents, Applicant encloses herewith a copy of a Communication

from a foreign patent office in a counterpart application citing such documents, together with

an English-language version (if not already included) of at least that portion of the

Communication indicating the degree of relevance found by the foreign patent office. Also,

Applicant submits herewith an English language abstract of the foreign language document.

The submission of the listed documents is not intended as an admission that any such

document constitutes prior art against the claims of the present application. Applicant does

not waive any right to take any action that would be appropriate to antedate or otherwise

remove any listed document as a competent reference against the claims of the present

application.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

Registration No. 33,725

Bruce E. Kramer

SUGHRUE MION, PLLC

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2

Substitute for Form 1449 A & B/PTO	Complete if Known		
	Application Number	10/009,534	
6 PE ENFORMATION DISCLOSURE	Confirmation Number	4025	
STATEMENT BY APPLICANT	Filing Date	December 14, 2001	
JUN 2 4 2004 B	First Named Inventor	Atsushi FUNABIKI	
JUN 2 Supe as many sheets as necessary)	Art Unit	1745	
	Examiner Name	Carol Diane Chaney	
of 1	Attorney Docket Number	Q67681	

U.S. PATENT DOCUMENTS					
Examiner Cite No.1 .	Document N	lumber	Publication Date		
	Number	Kind Code ² (if known)	MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
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FOREIGN PATENT DOCUMENTS							
Examiner Cite	Foreign Patent Document			Publication	Name of Patentee or	m 6	
Initials*		Applicant of Cited Document	Translation ⁶				
		JР	10-233215	A	09-02-1998	JAPAN STORAGE BATTERY CO. LTD.	Abstract
							
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NON PATENT LITERATURE DOCUMENTS			
Examiner Cite Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazi journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where publisher.		Translation ⁶	

Examiner Signature Date Considered	_		
	Examiner Signature	Date Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.